

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

Initially, Applicants would like to thank the Examiner for the indication that claim 21 contains allowable subject matter if amended to include the features of its base claim (18) and intervening claims (19 and 20).

In Official Action, the Examiner now rejects claims 18-20, 22, 25 and 27 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,569,084 to Mizuno et al., (hereinafter “Mizuno”).

In response, Applicants respectfully traverse the Examiner’s rejection under 35 U.S.C. § 102(e) for at least the reasons set forth below. However, independent claims 18, 25 and 27 have been amended to clarify their distinguishing features. Specifically, claim 18 has been amended to recite:

“a buffering member that is a plate member, the buffering member being connected to the frame unit at a first portion of the plate member and to the main frame at a second portion of the plate member, an intermediate portion between the first portion and the second portion of the plate member being arranged to traverse across a junction between the first unit and the second unit, the buffering member absorbing a force applied to the inserting portion by an external operation between the first portion connected to the frame unit and the second portion connected to the main frame.”

Independent claims 25 and 27 have been similarly amended. The amendment to claims 18, 25 and 27 is fully supported in the original disclosure. Thus, no new matter has been introduced into the disclosure by way of the present amendment to independent claims 18, 25 and 27.

Turning now to the prior art, Applicants submit that Mizuno discloses in Fig. 10, two casings 81 and 82 connected by a clamp 83. The Examiner argues that the first unit,

the second unit and the buffering member as recited in claims 18, 25 and 27 are disclosed in the configuration of Mizuno. Applicants respectfully disagree.

Although Mizuno discloses, in Fig. 10, that the units of the operating portion are connected by the clamp 83, it is not by a plate member such as the buffering member (e.g., 8) as is now recited in independent claims 18, 25 and 27.

The buffering member now recited in independent claims 18, 25 and 27 has a first portion connected to the frame unit and a second portion connected to the main frame, where the first portion and the second portion are connected by an intermediate portion that is arranged to traverse across a junction between the first unit and the second unit. Mizuno simply does not disclose or suggest such a buffering member.

Thus, Mizuno does not disclose a frame unit, a main frame in the operating portion, or a buffering member that is a plate member which absorbs an external force as is recited in independent claims 18, 25 and 27.

In contrast to Mizuno, Applicants respectfully submit that the recited configuration of the buffering member of claims 18, 25 and 27 absorbs any external force (surplus force) during the operation of the endoscope.

With regard to the rejection of claims 18-20, 22, 25 and 27 under 35 U.S.C. § 102(e), an electric bending endoscope having the features discussed above and as recited in independent claims 18, 25 and 27, is nowhere disclosed in Mizuno. Since it has been decided that “anticipation requires the presence in a single prior art reference, disclosure of each and every element of the claimed invention, arranged as in the claim,”¹ independent claims 18, 25 and 27 are not anticipated by Mizuno. Accordingly, independent claims 18, 25 and 27

¹ Lindeman Maschinenfabrik GMBH v. American Hoist and Derrick Company, 730 F.2d 1452, 1458; 221 U.S.P.Q. 481, 485 (Fed. Cir., 1984).

patentably distinguish over Mizuno and are allowable. Claims 19, 20 and 22 being dependent upon claim 18 are thus at least allowable therewith. Consequently, the Examiner is respectfully requested to withdraw the rejection of claims 18-20, 22, 25 and 27 under 35 U.S.C. § 102(e).

In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned.

Respectfully submitted,

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